

Attorney Docket No. 990301

**REMARKS**

Claims 1-20 are pending in the present application. In the above amendments, claims 1, 2, 4, 9-10, 12-13 and 17-20 have been amended. Therefore, after entry of the above amendments, claims 1-20 will be still pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. Rejection under 35 U.S.C. Section 102(e)

The Examiner rejected Claims 2-3, 5-6, 10-11, 13-14, 18, and 20 are being allegedly anticipated by U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Per Claims 2, 10, 18, and 20, Applicants respectfully submit that Shaw does not disclose "updating said resident software with said available software if one of the following three conditions is met: (1) said resident software and said available software are authenticated, (2) said resident software and said available software are not authenticated, or (3) said resident software is not authenticated but said available software is authenticated," as now claimed. The support for this limitation is provided by FIG. 2, for example.

Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the Downloader 70 has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Furthermore, Shaw does not disclose "rejecting said available software if said resident software is authenticated and said available software is not authenticated." In col. 3, line 66 to col. 4, line 5, only the resident program is checked, and if it is corrupt it would be updated. This is totally different from the above claimed limitations.

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. Section 103(a)

The Examiner rejected Claims 1, 4, 9, 12, 17 and 19 are being allegedly unpatentable over U.S. Patent No. 6,381,741 issued to Shaw. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Shaw does not disclose "setting an authentication flag if said resident software is not authenticated and said available software is authenticated," for the reason that Shaw does not disclose "determining whether or not said available software is authenticated." Shaw only discloses testing whether resident software (e.g., application code 26) is intact. (See col. 3, lines 66-67, and FIG. 2, block 130). In Shaw, neither in col. 3, line 66 to col. 4, line 3; col. 5, lines 34-41; nor anywhere else, is there a mention of testing authenticity of the available software (e.g., Downloader 70). In col. 5, lines 34-41, the Downloader 70 is not checked for authenticity for the purpose of deciding whether to update the application code 26. Rather, after the code has been already downloaded it is authenticated and validated. (See col. 5, lines 34-35).

Therefore, since Shaw does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

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**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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